REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-3 and 5 have been amended to clarify the invention. Claim 6 has been canceled. Claims 1-5 remain pending in the application.

In the Office Action dated June 29, 2004, the Examiner rejected claims 1, 2, 4, and 5 under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,393,605 to Loomans ("Loomans"); and rejected claims 3 and 6 under 35 USC 103(a) as being unpatentable over Loomans.

Anticipation of a claim requires that each and every element of that claim be disclosed by a single reference. Applicant respectfully traverses the anticipation rejection of claim 1 because Loomans does not disclose (1) the step of "loading an execution environment identifying applet from the server in response to an application program starting request," and (2) the step of loading, from the server, "a starting command for starting the application program, on the basis of a result obtained by executing the execution environment identifying applet."

The Examiner cites Col.5:1-31 in Loomans in asserting that Loomans teaches the method recited in claim 1. The cited text only teaches that in response to an HTTP request from a user, the server computer provides an HTML page and an embedded application engine kernel. Col.5:4-5 and Col.5:9-12. Applicant respectfully submits that neither can be considered to be "an execution environment identifying applet" as required by the claim.

The downloaded kernel in Loomans includes code to provide "basic management thread functions" (See Col.5:23-24). Specifically, the thread functions disclosed in Loomans include "event handling routines, blocking functions, structures. . . " Col. 5:25-26. None of those functions relate to an execution environment identifying applet. Consequently, Loomans fails to disclose each and every element of claim 1.

Even if the downloaded kernel is considered to include an execution environment identifying applet, claim 1 still requires the additional step of downloading a starting command on the basis of a result obtained by executing that applet. The text cited by

the Examiner discloses that additional engine components not required at startup may be downloaded at a later time. Col.5:30-31. Nevertheless, Loomans clearly fails to disclose (1) that such engine components amount to a "starting command;" and (2) that the result of executing an applet is the basis used to determine whether such engine components are to be downloaded. For the foregoing reasons, Loomans does not disclose each and every element of claim 1. Therefore, Applicant respectfully requests that the anticipation rejection of that claim be withdrawn and that the claim be allowed.

Claim 2, as amended, recites the step of "judging whether the code which the application program requires is present or not on the client machine." As the Examiner conceded in the Office Action (see Paragraph 7), Loomans does not teach that "judging" step. Despite the concession, the Examiner cites Col. 7:11-21 and speculates that because the application engine in Loomans interprets which files will be loaded for the associated application, that application engine must judge whether the code required by the program is present/stored in the client machine. In a plausible scenario, the application engine in Loomans could decide which files to load by just reading file names from a list associated with the specific application and could proceed to download the files regardless of whether the files are already stored in the client machine. That scenario if evidently not disclosed in Loomans. Likewise, the cited text in Loomans is silent as to accessing code stored in the client machine to judge whether the code is present or not in the machine. Consequently, Loomans fails to disclose each and every element in claim 2. Therefore, Applicant respectfully requests that the anticipation rejection of that claim be withdrawn and that the claim be allowed.

Claim 3 incorporates by reference the "judging" step of claim 1. As discussed above Loomans does not teach that step. Because the text cited by the examiner also does not suggest the step, Applicant respectfully requests that the obviousness rejection of claim 3 be withdrawn.

Claim 4 includes elements similar to the elements discussed above in connection with the allowability of claim 1. Therefore, Applicant respectfully submits that claim 4 should be allowed at least for some of the reasons set forth above in connection with the allowability of claim 1.

Claim 5 includes elements similar to the elements discussed above in connection with the allowability of claim 3. Therefore, Applicant respectfully submits that claim 4 should be allowed at least for some of the reasons set forth above in connection with the allowability of claim 3.

In view of the foregoing, Applicant earnestly solicits the expedited allowance of the pending claims. The Commissioner is hereby authorized to charge any fee(s) necessary to enter this paper and any previous paper, or credit any overpayment of fees to deposit account 09-0468.

Respectfully submitted,
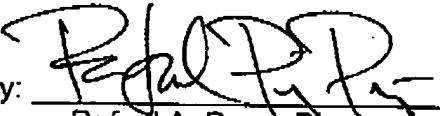
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